

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL DAUWALDER,

Plaintiff,

v.

DANIEL MOELLER, et al.,

Defendants.

No. 1:25-cv-00665-SAB (PC)

ORDER DISCHARGING ORDER TO SHOW
CAUSE AND DIRECTING CLERK OF
COURT TO FILE AMENDED COMPLAINT
LODGED ON AUGUST 11, 2025

(ECF No. 10)

On June 3, 2025, Plaintiff filed the instant action pro se pursuant to 42 U.S.C. § 1983.

On June 5, 2025, then-assigned Magistrate Judge Gary A. Austin issued an order reassigning this case because the civil rights complaint challenges his release from custody-cases of which he does not handle. (ECF No. 4.) It was specifically determined that “in order for Plaintiff to obtain release from custody earlier than his new projected September 2025 date, he must seek relief under 28 U.S.C. § 2254, the habeas statute after first exhausting his state court remedies. See Correa v. Shaffer, No. 2:23-cv-00739 TLN KJN P, 2023 WL 8850557, at *8 (E.D. Cal. Dec. 21, 2023), report and recommendation adopted, No. 2:23-cv-00739 TLN KJN P, 2024 WL 774924 (E.D. Cal. Feb. 26, 2024) (stating same).” (Id. at 3.)

On June 6, 2025, the Court directed Plaintiff to file a written response indicating whether he wishes (1) the Court to convert this § 1983 civil rights action into one filed under 28 U.S.C. §

2254; or (2) for the Court to dismiss this complaint, without prejudice. (ECF No. 5.)

On June 20, 2015, Plaintiff filed a response stating that he is “seeking leaver to amend my complaint and delete the ‘Request for Immediate Release’ and Replace it with “seeking action of invalidation of state procedure to deny parole eligibility...and parole suitability.” (ECF No. 7.) Plaintiff requests the Court send him a blank section 1983 complaint and notes that he has sent the filing fee. (Id.)

On June 23, 2025, the Court sent Plaintiff a blank civil rights complaint form and granted Plaintiff thirty days to complete and submit a civil rights complaint form in order for this action to proceed. (ECF No. 8.) After Plaintiff failed to file an amended complaint or otherwise respond to the Court’s order, an order for Plaintiff to show cause why the action should not be dismissed was issued on August 5, 2025. (ECF No. 9.)

On August 11, 2025, Plaintiff filed an amended complaint which was lodged by the Court. (ECF No. 10.) Inasmuch as Plaintiff has now filed an amended complaint with a proof of service date of July 11, 2025, the Court will discharge the order to show cause.

Based on the foregoing, it is HEREBY ORDERED that:

1. The Court’s August 5, 2025, order to show cause is DISCHARGED;
2. The Clerk of Court shall file Plaintiff’s amended complaint lodged on August 11, 2025 (ECF No. 10); and
3. Plaintiff is advised that the Court will screen Plaintiff’s amended complaint pursuant to 28 U.S.C. § 1915A in due course.

IT IS SO ORDERED.

Dated: August 13, 2025



STANLEY A. BOONE
United States Magistrate Judge